



THOMAS L. GARTHWAITE, M.D.
Director and Chief Medical Officer

FRED LEAF
Chief Operating Officer

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
313 N. Figueroa, Los Angeles, CA 90012
(213) 240-8101

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June 9, 2005

The Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**PAYMENT FOR EMERGENCY HAZARDOUS MATERIAL CLEAN-UP SERVICES
AT OLIVE VIEW-UCLA MEDICAL CENTER
(Second District) (Three Votes)**

IT IS RECOMMENDED THAT YOUR BOARD:

Delegate authority to the Director of the Internal Services Department to issue a purchase order in an amount not to exceed \$2 million to pay for emergency hazardous material clean-up services provided by Patriot Environmental Services at Olive View-UCLA Medical Center, associated with a mercury spill that occurred on April 6, 2005.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

Approval of this request will enable the Department of Health Services to compensate Patriot Environmental Services for the emergency hazardous materials clean-up services provided to address a mercury spill on April 6, 2005 at Olive View-UCLA Medical Center (Olive View). The extent of the hazardous clean-up was more extensive than originally anticipated, and thus the incurred cost exceeded the statutory authority granted to the County Purchasing Agent for the acquisition of services. Due to the emergency nature of the incident and the immediate required response to protect the health and safety of hospital employees, patients, and visitors, the situation did not lend itself to a competitive bid process. Therefore the approval to process payment for this hazardous material clean-up can only be provided by the Board.

FISCAL IMPACT/FINANCING:

The total estimated cost of these services is \$2 million. Funds are available in the Department's Fiscal Year 2004-05 budget.

FACT AND PROVISIONS/LEGAL REQUIREMENTS:

On April 6, 2005, a mercury spill occurred inside a steam sterilizer in the Central Processing area at Olive View. During the instrument washing and sterilization cycle, mercury was released from medical instruments into the sterilization unit, causing the accidental release of mercury and mercury vapor into adjacent surfaces, including the floor, walls, drain line plumbing, and general work area. There were no injuries or threat to patients or staff as a result of the mercury release.

In accordance with state law, Olive View immediately contacted an outside environmental clean-up firm, Patriot Environmental Services, to conduct a hazardous materials spill assessment and emergency mercury spill clean-up. ISD was notified at the time of the incident by Olive View of its engagement of Patriot Environmental Services to perform the hazardous material clean-up. Patriot Environmental Services is on the Board-approved ISD Facilities Ancillary Services Master Agreement list and is the vendor used by Olive View for its general management and disposal of hazardous materials and waste. The hospital also notified the Los Angeles County Fire Department's Health Hazardous Materials Division, State Department of Health Services (Licensing Division), and the State Office of Emergency Services of the incident.

Patriot Environmental Services staff developed a site response and cleanup work plan, which was approved by the Health Hazardous Materials Division. The Health Hazardous Materials Division has legal jurisdiction over the remediation of the spill, as well as the ultimate authority for releasing the area where the spill occurred back to Olive View for the resumption of normal operations.

The extent of the exposure was unclear at the time of the incident and, thus, all necessary mitigation activities could not be clearly defined at that time. As the clean-up proceeded, the scope of the project was modified at the direction of the Health Hazardous Materials Division. As a result, the scope of work required from Patriot Environmental Services grew as the direction from Health Hazardous Materials changed over time.

The work performed by Patriot Environmental Services included the initial assessment and visual inspection of the hazard zone. The contractor established decontamination and clean zones outside the spill area to manage the clean-up. They disposed of all hazardous materials, in accordance with state and federal law, and sanitized all affected areas. They also dismantled, removed, cleaned, and reinstalled all contaminated equipment and furnishings in the affected area. The extent of the hazardous material spill required that the flooring in the Central Processing area be removed and replaced, which added a significant cost to the remediation work.

During the course of the clean-up, further inspection revealed that the extent of the damage to the affected areas was greater than initially determined, requiring additional cleaning of identified areas as well as the detection of further locations requiring remediation. Additionally, Health Hazardous Materials Division required repeated, costly testing of air and surfaces to ensure there was no residual contamination in the affected area.

On June 1, the Health Hazardous Materials Division, Emergency Operations Section completed a walk through of the spill area and provided the facility with a letter releasing the Central Processing

Area for use without any restrictions. The work performed by Patriot Environmental Services is scheduled to be completed by mid-June.

Olive View has conducted a root cause analysis, which determined that the incident occurred due to a number of factors, which include use by the operating room staff of esophageal dilators containing mercury, despite changes in industry standard, and failure by staff to follow established policy for cleaning surgical instrument containing mercury. A number of corrective actions are being taken, including appropriate disciplinary action with regard to the employee who incorrectly placed the instruments in the sterilizer. Additional steps include the replacement of all the mercury filled esophageal dilators with new dilators that do not contain mercury, changing the physician practice of using mercury filled esophageal dilators throughout the facility, retraining all Central Processing employees regarding the management and sterilization of surgical instruments and providing for an outside assessment of the operation of the Central Supplies Department.

Finally, the hospital is working with the Chief Administrative Office's Risk Management Division to file the appropriate insurance claims, which may offset some of the costs associated with the hazardous material clean-up.

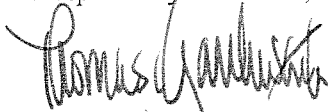
CONTRACTING PROCESS:

Patriot Environmental Services is on the Board-approved ISD Facilities and Ancillary Services Master Agreement list and is the firm utilized by Olive View for the regular management and removal of hazardous waste and materials. Based on the emergent nature of the hazardous materials clean-up work, the normal solicitation processes under the master agreement were suspended.

IMPACT ON CURRENT SERVICES (OR PROJECTS):

Approval of this request will enable the Department of Health Services to compensate Patriot Environmental Services for the services provided to clean up the emergency hazardous material spill that occurred at Olive View.

Respectfully submitted,



Thomas L. Garthwaite, MD
Director and Chief Medical Officer

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c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors
Director, Internal Services Department